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US EPA RECORDS CENTER REGION 5



December 15, 2011

Certified Mail 7004 1160 0006 6278 3900
Return Receipt Requested

Mr. Thomas Martin
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Re: Chemetco Superfund Site, Hartford, IL

Dear Mr. Martin:

This letter is sent on behalf of Essex Group, Inc. ("Essex"), in response to Ms. Joan Tanaka's General Notice and Information Request letter (the "General Notice Letter") dated November 30, 2011, wherein Essex was identified as a potentially responsible party ("PRP") for environmental contamination at the Chemetco Superfund Site (the "Site") in Hartford, Illinois. The United States Environmental Protection Agency ("USEPA") has requested that PRPs identified in the General Notice Letter indicate their interest in participating in future negotiations concerning the Site.

Essex has no liability regarding the Site as a result of its Chapter 11 bankruptcy reorganization. On March 3, 2003, Superior Telecom, Inc. and Essex Group, Inc., along with numerous other related entities (collectively, the "Debtors"), filed with the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") their voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.* See Case No. 03-10607 in the United States Bankruptcy Court for the District of Delaware. Notice of the Chapter 11 filing was provided directly to USEPA, including USEPA Region 5, and several state agencies charged with protection of the environment. Additional notice was published in The New York Times (National Edition), in the Wall Street Journal (National Edition), and in local papers of general circulation in those locations where Debtors had operational plants at the time of the bankruptcy filing.

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On June 25, 2003, the Bankruptcy Court entered an order setting a claim bar date of August 25, 2003, for creditors and September 5, 2003, for governmental units. Pursuant to the Debtor's Amended Joint Plan of Reorganization (the "Plan"), any and all claims not filed with the Bankruptcy Court prior to the claim bar date are discharged. On October 22, 2003, the Bankruptcy Court confirmed the Plan. The USEPA had actual notice of the bankruptcy filing and filed a claim on September 8, 2003, however, the claim does not assert any liability with respect to the Site. Thus, according to the Plan, any claim of the United States regarding Essex's liability for the Site was discharged upon confirmation of the Plan.

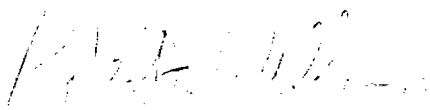
Based on the above, Essex believes it has no liability to perform or obligation to finance any of the response activities required at the Site. Consequently, Essex does not plan to attend the PRP information meeting on December 20, 2011.

Any future contact regarding this Site should be directed to the following individual:

Robert F. Wilkinson, Esq.
Husch Blackwell LLP
190 Carondelet Plaza
St. Louis, MO 63105
314-480-1842

Nothing contained in this letter is to be considered an admission of fact or law, including but not limited to, an admission of liability for the alleged environmental conditions at the Site, nor a waiver of any defense not asserted herein.

Sincerely,



Robert F. Wilkinson

RFW/lla



Chemetco Superfund Site
Wilkinson, Robert

to:

Thomas Martin

02/02/2012 02:41 PM

Cc:

Michelle Kerr

Hide Details

From: "Wilkinson, Robert" <Robert.Wilkinson@huschblackwell.com>

To: Thomas Martin/R5/USEPA/US@EPA

Cc: Michelle Kerr/R5/USEPA/US@EPA

History: This message has been forwarded.

1 Attachment



SLC-6516795-1-111215 Letter to Thomas Martin, U.S. EPA, re Chemetco Site.pdf

Tom:

Thank you for returning my call. As I mentioned on the phone, we spoke in early December upon my receipt of the general notice letter and information request sent to my client, Essex Group Inc. As we discussed then, Essex Group Inc.'s liability, if any, was discharged in 2003 as a result of the Superior Telecom bankruptcy proceeding. I provided a letter to you summarizing my client's position (copy attached). In December, you also confirmed that EPA intended that the 104(e) request was mandatory with a February 3, 2012 due date. This afternoon you noted that the deadline has been extended to March 3, 2012. Essex Group Inc. has been diligently looking for information and documents related to the Chemetco site and expects to provide a complete response on or prior to the new deadline.

You also asked for my contact information, which follows, so that you can forward some additional site information to me. Thank you again for your time and I look forward to receiving the additional information concerning the site.

Bob Wilkinson

Robert F. Wilkinson
Partner

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***** End Notice from Husch Blackwell LLP *****